



7020-02

## INTERNATIONAL TRADE COMMISSION

**Inv. No. 337-TA-1034**

### **Certain Flash Memory Devices and Components Thereof**

#### **Institution of Investigation**

**AGENCY:** U.S. International Trade Commission

**ACTION:** Notice

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on December 6, 2016, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of Memory Technologies, LLC of Las Vegas, Nevada. An amended complaint was filed on December 12, 2016. The amended complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain flash memory devices and components thereof by reason of infringement of certain claims of U.S. Patent No. RE45,542 (“the ’542 patent”); U.S. Patent No. RE45,486 (“the ’486 patent”); U.S. Patent No. 7,565,469 (“the ’469 patent”); U.S. Patent No. 9,063,850 (“the ’850 patent”); and U.S. Patent No. 8,307,180 (“the ’180 patent”). The amended complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

**ADDRESSES:** The amended complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW, Room 112, Washington, D.C. 20436, telephone (202) 205-2000. Hearing impaired individuals are advised

that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

**FOR FURTHER INFORMATION CONTACT:** The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

**AUTHORITY:** The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.10 (2016).

**SCOPE OF INVESTIGATION:** Having considered the amended complaint, the U.S. International Trade Commission, on January 5, 2017, **ORDERED THAT** –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain flash memory devices and components thereof by reason of infringement of one or more of claim 38 of the '542 patent; claims 6, 9, 10, 22, 23, 26, and 27 of the '486 patent; claim 19 of the '469 patent; claim 10 of the '850 patent; and claims 17-19, 21, 22, and 27 of the '180 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to Commission Rule 210.50(b)(1), 19 C.F.R. § 210.50(b)(1), the presiding

Administrative Law Judge shall take evidence or other information and hear arguments from the parties or other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. sections 1337(d)(1), (f)(1), (g)(1);

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Memory Technologies, LLC  
6787 W. Tropicana Avenue., Suite 238  
Las Vegas, NV 89103

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the amended complaint is to be served:

SanDisk LLC  
951 SanDisk Drive  
Milpitas, CA 95035

Western Digital Corporation  
3355 Michelson Drive, Suite 100  
Irvine, CA 92612

Western Digital Technologies, Inc.  
951 SanDisk Drive  
Milpitas, CA 95035

SanDisk Limited

8F Nisso 15 Bldg. 2-17-19 Shin-Yokohama

Kohoku-ku, Yokohama, Japan 222-0033

SanDisk Storage Malaysia Sdn. Bhd.

Plot 18, Lorong Jelawat 4, Kawasan

Perindustrian

Seberang Jaya, 13700 Perai, Penang,

Malaysia

SanDisk SemiConductor (Shanghai) Co., Ltd.

No. 388, Jiang Chuan East Road

Minhang District, Shanghai 200241,

China

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW, Suite 401, Washington, D.C. 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the amended complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.13. Pursuant to 19 C.F.R. §§ 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the amended complaint and the notice of investigation. Extensions of time for submitting responses to the amended complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the amended complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the amended complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the amended complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Lisa R. Barton  
Secretary to the Commission

Issued: January 5, 2017

[FR Doc. 2017-00423 Filed: 1/10/2017 8:45 am; Publication Date: 1/11/2017]